

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BULLION EXCHANGE LLC,

Plaintiff,

v.

BULLION SHARK, LLC and EKATERINA
OVODOVA,

Defendants.

Case No. 24-CV-00467

**DECLARATION OF STEPHEN E.
TURMAN, ESQ., IN SUPPORT OF
PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION &
PERMANENT INJUNCTION**

STEPHEN E. TURMAN, ESQ., declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am admitted to practice before this Court and I am the managing member of Turman Legal Solutions PLLC, attorneys for the Plaintiff Bullion Exchange LLC ("Bullion Exchange" or "Plaintiff") in this case.

2. As counsel for the Plaintiff, I am familiar with all the facts and circumstances described in this declaration based upon my personal knowledge and a review of the files maintained by my law firm in the ordinary course of business.

3. The above-entitled action is brought for the purpose of, *inter alia*, obtaining a temporary restraining order, a preliminary injunction, and a permanent injunction for violations of the Defend Trade Secrets Act committed by Defendants Bullion Shark, LLC ("Bullion Shark") and Ekatarina Ovodova ("Ovodova")(collectively, the "Defendants") and for violation of New York state law, including misappropriation of trade secrets, unfair competition, breach of fiduciary duty and the faithless servant doctrine, aiding and abetting breach of fiduciary duty and unjust enrichment

4. On or about November 27, 2023, Bullion Exchange was prepared to file its complaint and bring its motion by order to show cause for a temporary restraining order and preliminary injunction against the Defendants.

5. As a courtesy, I sent a letter to Emanuel Kataev, Esq., counsel for the Defendants, on November 27, 2023, advising him of Bullion Exchange's intention to commence this action, enclosing a draft of the proposed Order to Show Cause, and asking if he would accept service on behalf of the Defendants. (A copy of my letter to Mr. Kataev, dated November 27, 2023, is annexed hereto as **Exhibit A**).

6. On November 29, 2023, Mr. Kataev responded by sending a letter to me denying the allegations made in my November 27 letter and offering suggestions for resolving this dispute.

7. Over the course of the seven (7) weeks that followed, the parties attempted to negotiate a pre-litigation agreement that would resolve the need for this motion. Unfortunately, the parties could not come to terms on this agreement.

8. Nevertheless, I bring this to the Court's attention to avoid any appearance of undue delay by Bullion Exchange in bringing this action and moving for temporary restraints and a preliminary injunction in this matter.

9. No previous application for the relief herein prayed for has been made in this Court.

10. I certify that there are no frivolous contentions contained in any of Plaintiff's papers submitted.

11. Pursuant to Rule 65 of the Federal Rules of Civil Procedure and 18 U.S.C. § 1836(A), I certify that this *ex parte* application may be brought without notice to Defendants to secure confidential and proprietary trade secret information. *See Mission Capital Advisors LLC v. Romaka*, No. 16-cv-5878, 2016 WL 11517040 (S.D.N.Y. July 22, 2016) (entering Order of Seizure and discussing that the relief sought under the Defend Trade Secrets Act may be sought *ex parte* due to the risk that the defendant would make the confidential information and trade secrets inaccessible to the Court or retain unauthorized copies).

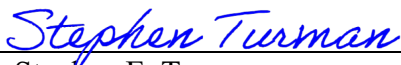
12. Notwithstanding the foregoing, Emanuel Kataev, Esq. of the law firm Milman

Labuda Law Group PLLC, 3000 Marcus Avenue, Suite 3W8, Lake Success, NY 11042, is counsel for Defendant Bullion Shark LLC and has agreed to accept service on behalf its behalf, subject to an agreement that Defendant Bullion Shark, LLC's objection to this motion, if any, shall be returnable no earlier than February 9, 2024.

13. I am further advised by counsel for Bullion Shark, LLC that he does not represent Ovodova for purposes of this litigation and he does not believe she has retained counsel at this time.

14. I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 23, 2024
Uniondale, NY



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*Counsel for Plaintiff Bullion
Exchange, LLC*

